

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP*Intellectual Property Law*
Patents • Trademarks • CopyrightsTen Post Office Square
Boston, Massachusetts 02109
Tel. 617.542.2290 • Fax. 617. 451.0313
www.wsglip.com**RECEIVED
CENTRAL FAX CENTER****JUL 26 2005****FACSIMILE COVER SHEET**

DATE: July 26, 2005

TO: Examiner David C. Payne
TC Art Unit: 2633

Fax No.: (571) 273 8300

FROM: Thomas O. Hoover

No. of pages transmitted
(including this page): 14

Our File: MAIT-013XX

Time:

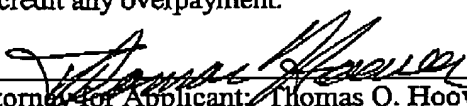
Your Ref:

Sent by: Jan

Application No. 09/324,253

Filed Date: June 2, 1999

Confirmation No.: 1283

A confirmation copy of this transmission will not be mailed unless the following is checked: ☐
MESSAGEPLEASE DELIVER DIRECTLY TO:
EXAMINER David C. Payne (571) 272-3024
TC ART UNIT NO: 2633**FOR ENTRY**Enclosed for filing please find a: Response, Change of Address Form and Bingo
TransmittalThe Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
filing fees associated with this communication or credit any overpayment.

Attorney for Applicant: Thomas O. Hoover
Registration No. 32,470THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY
FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS
NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT
FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE
INTENDED RECIPIENT(S). THANK YOU.

BEST AVAILABLE COPY

07/26/2005 17:16 FAX 6176950892

WSGL

002

Application No.: 09/324,253
 Filed: June 2, 1999
 TC Art Unit: 2633
 Confirmation No.: 1283

Rev 07/05

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
 Ten Post Office Square
 Boston, Massachusetts 02109
 Telephone: (617) 542-2290
 Telecopier: (617) 451-0313

Date: July 26, 2005

Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Attorney

Docket No.: MAIT-013XX

(formerly 0050.1610.000)

Sir:

In re application of: Jeffrey C. Chen

Entitled: OPTICAL FREQUENCY FILTER


Transmitted herewith is an amendment in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$) per §1.17(e).
- ☐ Enter the unentered amendment previously filed on per §1.116.
- ☒ A Petition for Extension of Time for 3months is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$510.00) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☒ Other: Change of Address form

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	8 - 8	= 0	x \$200.00 =	0.00
Total	33 - 33	= 0	x \$ 50.00 =	0.00
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0.00
				0.00
Small Entity filing, divide by 2. Small Entity status must be asserted.				0.00
				0.00

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner David C. Payne, TC Art Unit 2633, Fax No. (571) 273 8300, on July 26, 2005,


 Attorney of Record: Thomas O. Hoover
 Registration No.: 32,470

SMS/jms
 324445

JUL 26 2005

PATENT

Rev 06/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Jeffrey C. Chen
Application No. : 09/324,253
Filed : June 2, 1999
Confirmation No. : 1283
For : OPTICAL FREQUENCY FILTER
Examiner : David C. Payne
Attorney's Docket : MAIT-013XX (Formerly 0050.1610-000)

TC Art Unit: 2633

I hereby certify that this correspondence is being sent via
facsimile to Examiner David C. Payne, TC Art Unit 2633, Fax No.
571-273-8300, on July 26, 2005.

By: Thomas O. Hoover
Thomas O. Hoover
Registration No. 32,470
Attorney for Applicant(s)

RESPONSE

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated January 26,
2005, Applicant hereby elects species of Fig. 12C and the
subspecies of Fig. 6C for examination without traverse. It is
Applicant's understanding that the species and subspecies
requirements identified in the current restriction requirement are

WHITZARTEN, SCHURGIN,
GALINSKY & LEBOVICI LLP
TEL. (617) 542-2290
FAX (617) 542-2291

Application No. 09/324,253

Filed: June 2, 1999

TC Art Unit: 2633

Confirmation No.: 1283

included in the event that no generic claim is held allowable and to supplement the previous election of Fig. 6A. The disperser 56 can be a grating as described on page 2, line 23-25, and pages 12, line 26 through page 13, line 13. The election of subspecies 6C should not be viewed so as to exclude claiming of a grating for the disperser. If the use of a grating for the disperser 56 was inadvertently not included in one of the electable options, Applicant respectfully requests the election of same. Applicant reserves the right to file a continuing or divisional application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions. A listing of all claims readable upon this election follows: Claims 1, 3-12, 15-22, 25-26 and 28-34.